

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application.

Disposition of the Claims

Claims 1, 3-14, 16-27, and 29-39 were pending in this application. Claims 3-11, 16-24, and 29-37 are canceled by way of this reply without prejudice or disclaimer. Further, claims 40-42 are newly added by way of this reply. Accordingly, claims 1, 12-14, 25-27, 38-42 are currently pending in this application. Of the currently pending claims, claims 1, 14, and 27 are independent. The remaining claims depend, directly or indirectly, from claims 1, 14, and 27.

Claim Amendments

Claims 1, 12-14, 25-27, 38, and 39 are amended by way of this reply to clarify aspects of the invention. No new subject matter is added by way of these amendments as support may be found, for example, in paragraphs [0023]-[0033] of the Application as filed.

Rejection under 35 U.S.C. § 103

Claims 1, 3-14, 16-27, and 29-39 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Pat. Pub. No. 2003/0126265 ("Aziz") in view of U.S. Pat. Pub. No. 2004/0221038 ("Clark"). As discussed above, claims 3-11, 16-24, and 29-37 are canceled by way of this reply. Accordingly, the rejection is moot as to those claims. To the extent that this rejection applies to the remaining claims, this rejection is respectfully traversed.

The claims as amended are directed to creating a resource grid without user intervention. Specifically, a software grid establishment component (GEC) selects from multiple nodes a set of grid nodes that have a media access control port accessible by the software GEC. Without user intervention, the software GEC establishes the resource grid on the selected nodes. Establishing the grid includes the software GEC sending a command to each of the grid nodes to perform a network reboot. In a network reboot, the operating system image is obtained from the network. In response to the command, each of the grid nodes performs the network reboot using the operating system image provided by the software GEC. The operating system image includes an operating system and a grid facilitation agent. *See, e.g.*, paragraphs [0023]-[0033] of the Specification.

Using the grid facilitation agent, the software GEC configures each grid node to enable the grid node to participate as part of the resource grid. Specifically, a grid participation module is deployed to each grid node, and the grid facilitation agent on each grid node is instructed to run the grid participation module. If the grid node is to be a grid master, the grid participation module includes instructions for selecting a slave node to process a resource request and instructions for forwarding the resource request to the slave node. If the grid node is to be a slave node, the grid participation module includes instructions for receiving the resource request from the grid master and instructions for processing the resource request. Additionally, for slave nodes, application for processing resource requests are deployed to the grid node and the grid facilitation agent is instructed to run the application. *Id.*

Continuing with the discussion, the grid master is configured to manage access to the resources provided by the grid node such that the resource grid behaves as a single pool of resources

accessible through the grid master. Further, the grid master is configured with the identity of each slave node and each slave node is configured with the identity of the grid master. *Id.*

Accordingly, without user intervention, the operating system, appropriate participation modules, and the application are installed on the appropriate grid nodes. Further, without user interaction, the configuration is performed of the grid nodes of the resource grid so that the resource grid manage requests. *Id.*

Turning to the rejection, MPEP § 2143 states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” Further, the Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739, 75 U.S.L.W. 4289 (2007) noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit. *See* MPEP § 2143. The analysis presented by the Examiner and the Board to support the rejection of the claims under 35 U.S.C. § 103 indicates that the Examiner found no differences between the cited prior art and the claims besides a lack of the actual combination of the elements in a single prior art reference. *See, e.g.*, MPEP § 2143(A). Applicants respectfully assert that all of the elements of the amended claims are not found in the cited prior art.

Turning to Aziz, Aziz is directed to creating a virtual server farm out of a computing grid composed of computing elements. *See, e.g.*, Aziz, Abstract. To create the virtual server farm, Aziz discloses that each role in the virtual server farm has a dedicated boot image that includes all of the software for the particular role. *See, e.g.*, Aziz, paragraphs [0072] and [0073]. Once the computing element loads from the boot image, the computing element executes the allocated role in the virtual server farm. *Id.* Because Aziz uses a dedicated boot image for each role, Aziz fails to

disclose a GEC orchestrating the installation of various software components with a grid facilitation agent executing on the node as required by the amended claims. Specifically, because the boot image includes all components in Aziz, Aziz cannot disclose or render obvious the GEC instructing the grid node install an operating system image that includes the grid facilitation agent, then deploying to the grid facilitation agent a grid participation module for installation by the grid facilitation agent, and deploying the application to the grid facilitation agent when the node is a slave node as required by the amended claims.

Moreover, Clark fails to disclose or render obvious that which Aziz lacks. By way of background, Clark is directed to monitoring cost and impact of the elements that are gathered using probes to determine what changes are advisable. *See, e.g.*, Clark Abstract. As an initial matter, in contrast to the Examiner's assertions, the probes of Clark cannot be properly equated to the grid facilitation agent of the amended claims. *See* Action mailed July 31, 2006, p. 5. In particular, because the probes only monitor software metrics (*i.e.*, number of jobs, memory usage, processing time) of the element, the probes cannot be equated to a grid facilitation agent that installs software components as required by the amended claims. *See, e.g.*, Clark paragraph [0048].

Further, Clark, like Aziz, is completely silent with regards to anything that may be equated to a grid facilitation agent or a GEC. Specifically, Clark only discloses performing "the necessary actions" to make the advisable change effective, without disclosing any steps to the "necessary actions." *See, e.g.*, Clark, paragraph [0068]. Because Clark fails to disclose any steps to make changes, like Aziz, Clark fails to disclose a GEC orchestrating the installation of various software components with a grid facilitation agent executing on the node as required by the amended claims.

In view of the above, Aziz and Clark, whether considered together or separately, fail to disclose or render obvious all of the limitations of amended independent claims 1, 14, and 27. Accordingly, claims 1, 14, and 27 are patentable over Aziz and Clark. Claims 12, 13, 25, 26, 38, and 39, which depend on claims 1, 14, and 27, are patentable over Aziz and Clark for at least the same reasons. Withdrawal of this rejection is respectfully requested.

New Claims

Claims 40-42 are newly added by way of this reply. No new subject matter is added by way of new claims 40-42 as support may be found, for example, in paragraph [0018] of the Application as filed. Further, new claims 40-42 depend on claims 1, 14, and 27. Therefore, new claims 40-42 are allowable over the cited art for at least the same reasons as claims 1, 14, and 27. Favorable consideration of new claims 40-42 is respectfully requested.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 33227/458001).

Dated: July 28, 2010

Respectfully submitted,

By /Robert P. Lord/
Robert P. Lord
Registration No.: 46,479
OSHA · LIANG LLP
909 Fannin Street, Suite 3500
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicants